

## How to get a Temporary Restraining Order (TRO)

It is not difficult to apply for a TRO. There are two steps:

1. Go to the proper court and fill out paperwork, including an affidavit, which is your sworn, written statement about the incident(s) that have made you fear for your safety. After this paperwork is given to a clerk, a judge will review it. The judge may or may not ask you questions. If the judge signs your order, it is valid for up to 21 days. A court officer will then serve your abuser with a copy of the TRO.
2. If you want your court-ordered protection to last longer than the temporary period (up to 21 days), you must go to a second hearing. Your abuser may also be there, so you may not want to be alone. Call your local domestic violence agency for an advocate.

**Important: If you do not go to the second hearing, or are late for the hearing, your court-ordered protection will end. For more information about getting a TRO, you can call one of the Restraining Order offices listed or a domestic violence agency (see back panel for phone numbers).**

## 24-hour Emergency Restraining Orders

If you fear you are in danger during evening, weekend or holiday hours, you may be able to get an emergency restraining order against your abuser by calling your local police department. Police have 24 hour access to Family Court and District Court judges who can issue an emergency order of protection.

If you get an emergency TRO, you will need to go to court on the next business day to finalize it. If you have questions about emergency TROs, call a domestic violence shelter and advocacy program listed on the back of this brochure.

## RI Domestic Violence Agencies/Resources for Victims

- Blackstone Valley Advocacy Center\* (401) 723-3057
- Domestic Violence Resource Center of South County\* (401) 782-3990
- Elizabeth Buffum Chace Center\* (401) 738-1700
- Sojourner House\* (401) 658-4334 or (401) 765-3232
- Women's Center of RI\* (401) 861-2760
- Women's Resource Center of Newport & Bristol Counties\* (866) 236-2474
- Garrahy Restraining Order Office\* (401) 458-3372
- Kent County Restraining Order Office\* (401) 822-6680
- Washington County Restraining Order Office\* (401) 782-4174
- Supreme Court Office of Court Interpreters (401) 222-8710
- RI Coalition Against Domestic Violence (401) 467-9940
- Victims of Crime Helpline (toll free) (800) 494-8100
- Attorney General's Department (401) 274-4400
- RI Legal Services (401) 274-2652
- Day One (sexual assault) (401) 421-4100
- Dept. of Elderly Affairs (aged 60 or over) (401) 462-3000

*\* These agencies do not use Caller ID and always block outgoing calls for safety and confidentiality.*

### Local Family Courts:

- Newport County (401) 841-8340
- Kent County (401) 822-6725
- Washington County (401) 782-4111
- Providence/Bristol/Warren (401) 458-3200

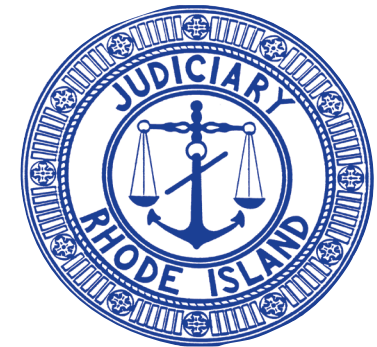
### Local District Courts:

- Newport County (401) 841-8350
- Kent County (401) 822-6750
- Washington County (401) 782-4131
- Providence/Bristol/Warren (401) 458-5400

### Sheriffs (for service of Restraining Orders):

- Newport/Bristol Counties (401) 841-8300
- Kent County (401) 822-1763
- Washington County (401) 782-4100
- Providence County (401) 222-3510 / (401) 458-5172

# Domestic Violence Victim Information



**RHODE ISLAND SUPREME COURT**

Chief Justice Paul A. Suttell

*This pamphlet was printed in compliance with the  
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Domestic Violence Training and Monitoring Unit*

# What is Domestic Violence?

**Domestic Violence is any crime occurring between**

- **Family Members:** spouses, former spouses, adult persons related by blood or marriage, and persons who have a child in common.
- **Household Members:** people who have lived together for some period of time within the past 3 years.
- **Dating Relationship Partners:** persons who have, or had within the past year, a substantive dating or engagement relationship. This can occur between a boyfriend and girlfriend or same sex partners.



## Domestic Violence Victim Information

### Will the person arrested be sentenced to jail?

If convicted, perhaps; however, unless the defendant has a prior criminal record, usually not. Generally, a first time offender is sentenced to a period of probation with counseling at an agency certified for Batterers' Intervention Programs.

### What is a temporary restraining order? What can it do?

A temporary restraining order (TRO) is a type of protection which you may request from a court if you have been assaulted or threatened with physical harm. It is a civil (not criminal) action which does not involve the police unless the defendant violates it. A TRO orders your abuser to stay away from you. Like the NCO, a TRO makes it a crime for the defendant to contact or even approach you. After you get a TRO and the defendant is served, the defendant can be arrested for violating the TRO if he/she contacts you.

- There is no fee for a TRO. You do not need an attorney to get a TRO. The TRO will order your abuser to stop abusing and harassing you, it can order the abuser to leave your home, and you may ask that firearms are relinquished.
- A Family Court TRO can give you temporary custody of minor children and order temporary child support payments.
- If you need help filling out the paperwork or need support in court, a domestic violence victim advocate can help you. You can call the Helpline or your local domestic violence agency to find out which court to go to, and how to begin the process (for phone numbers see the back panel).

### Stalking is also a crime

If you are being followed and/or contacted regularly by someone who puts you in fear of bodily harm, you may be a victim of stalking. Stalking is a pattern of behavior that someone uses to threaten you. In Rhode Island, stalking is a crime. If you think that you are being stalked, call your local police department or a domestic violence agency listed in this pamphlet.

### Why was an arrest made?

Rhode Island considers domestic violence a serious crime and has mandatory arrest laws. This means that once the police find enough evidence to believe that a crime has occurred, they are required to make an arrest.

### What happens after an arrest is made?

- The suspect is taken to a police station and charged with a crime (becomes a defendant). If you need medical treatment or assistance getting to a safe place, the police will be able to help transport you if there are no other options. You can call the statewide Helpline **(800-494-8100)** if you want an advocate to accompany you to the hospital or police station.

- The defendant will be brought before a bail commissioner or another officer of the court. A No Contact Order (NCO) will be issued. The NCO means that the defendant may not contact you in person, by phone, or by mail. (You may get a copy of the NCO form from the clerk at the District Court that issued it).
- Next, the defendant will be arraigned before a judge. You do not need to be at the arraignment. If the case is not resolved at arraignment, the judge will schedule a pretrial conference, usually within a few weeks, at which time the defendant may change his or her plea to not guilty, guilty, or no contest (nolo contendere).
- You should come to court for the pretrial conference.
- A domestic violence advocate will mail you a letter explaining what happened at the arraignment. Your advocate, who works for a nonprofit domestic violence agency, will also give you a telephone number to call if you have questions or just want to talk. If you don't want to wait for the letter, call the Helpline, **(800) 494-8100**, to find out how to reach your advocate. You can meet your advocate at court so that you won't have to be alone.
- You do not pay for the services of your advocate.